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Attorneys for Defendants County of
Siskiyou; Jeremiah LaRue and Jesus
Fernandez, in their official capacities
as members of the Siskiyou County
Sheriff's Department and in their individual
capacities; Brandon Criss, Ed Valenzuela,
Michael N. Kobseff, Nancy Ogren, and
Ray A. Haupt, in their official capacities
as members of the Siskiyou County Board
of Supervisors and in their individual
capacities; Edward Kiernan, in his official
capacity as County Counsel for Siskiyou
County and in his individual capacity;
and DOES 1-100.

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

SACRAMENTO DIVISION

Dilevon Lo, Jerry Vang, Nathan Thao, Mao
Thao, Pao Lee, Antonio Lee, Koua Lee, Nhia
Thai Vang, Zeng Lee, Der Lee and Khue Cha

Plaintiffs,

vs.

County of Siskiyou; Jeremiah LaRue and
Jesus Fernandez, in their official capacities as
members of the Siskiyou County Sheriff's
Department and in their individual capacities;
and Brandon Criss, Ed Valenzuela, Michael
N. Kobseff, Nancy Ogren, and Ray A. Haupt,
in their official capacities as members of the
Siskiyou County Board of Supervisors and in
their individual capacities; Edward Kiernan,
in his official capacity as County Counsel for
Siskiyou County and in his individual
capacity; and DOES 1-100,

Defendants.

Case No.: 2:21-cv-00999-KJM-DMC

**DECLARATION OF BRYAN
SCHENONE, ISO DEFENDANTS'
OPPOSITION TO PLAINTIFFS'
MOTION FOR A PRELIMINARY
INJUNCTION**

Complaint Filed: June 4, 2021

First Amended Complaint Filed: July 15, 2021

Date: August 6, 2021

Time: 10:00 AM

**[FEES EXEMPT PURSUANT TO
GOVERNMENT CODE SECTION 6103]**

1 I, Bryan Schenone, do declare as follows:

2 1. I am the director of the Siskiyou County Office of Emergency Services (OES). I
3 have held this position since April of 2021. I have held a similar position with the United States Air
4 Force for 12 years. I am currently completing a Bachelor's degree and Master's degree from
5 Arizona State in emergency management and public policy.

6 2. My training and service in the U.S. Air Force and my education have been focused
7 on management of emergency response, which is intended to ensure saving lives, protecting
8 property and protecting the environment in the event of a natural or man-made emergency.

9 3. As part of my duties with the County, I am responsible for monitoring and
10 coordinating the County's response to emergency situations such as wildfires. In that capacity, I
11 was responsible for monitoring and coordinating the County's response to a fire that has been
12 identified as the Lava Fire and led to the issuance of an evacuation warning and laterally an
13 evacuation order for Mt. Shasta Vista and Lake Shastina.

14 4. In furtherance of my duties with the County OES, I along with Siskiyou County
15 Sheriff Jeremiah LaRue, monitored the Lava Fire in real time from Highway 97 as it grew in order
16 to determine what emergency response including evacuation was required. Initially, the fire was
17 fought exclusively by the U.S. Forest Service as it was confined to federal lands above railroad
18 tracks located 1.5 miles from Hwy 97 and direction North another three miles to Lake Shastina and
19 Mt. Shasta Vista. At that time, I was in communication with decision makers for the U.S. Forest
20 Service concerning the spread and direction of the fire, the effectiveness of the U.S. Forest
21 Service's efforts to battle the fires, and the weather, among other variables.

22 5. Based on my observations, my discussions with personnel in charge of the U.S.
23 Forest Service's response to the fire and my discussions with Sheriff LaRue, we issued an order to
24 residents of Lake Shastina and Mt. Shasta Vista consisting of an **evacuation warning** for those
25 regions. We further determined that when the fire jumped the railroad tracks, we would need to call
26 for an evacuation order for both of those areas because that would signal that the fire was moving in
27 the direction of those two areas that were within the Siskiyou County jurisdiction and were known
28 to be inhabited, and it was unlikely that the fire would be stopped by emergency personnel before it

1 reached those areas. When in fact the fire crossed the railroad tracks, in coordination with Sheriff
2 LaRue we determined that an evacuation order was required on June 28, 2021.

3 6. At the point that the fire moved across the tracks, it ceased to be exclusively under
4 the jurisdiction of the U.S. Forest Service and a coordinated response was initiated by Cal Fire
5 crews who already had personnel and equipment including bulldozers and firetrucks in place to
6 combat the fire with local agencies including the Weed Fire Department, Mt. Shasta Fire
7 Department and Lake Shastina Fire Department.

8 7. The evacuation order was intended to apply to all of the inhabitants concerned in the
9 districts that it applied. This includes all of the inhabitants of Mt. Shasta Vista.

10 8. In my capacity as the Director of the OES, I met with various individuals of the
11 Hmong community from Mt. Shasta Vista to discuss the response to the Lava Fire and some of Mt.
12 Shasta Vista's inhabitants' complaints that they should be allowed to fight the fires themselves. In
13 both cases Cal Fire and Federal Forest Service Incident Management Teams PIO personnel were
14 also present and the citizenry of Mt. Shasta Vista were informed that because they were not trained
15 and properly equipped to fight fires, they would not be allowed to put themselves or others in
16 harm's way. They were also informed that if they wished to become firefighters on a voluntary
17 basis, training was available, and they were provided information on how to get that training.

18 9. In my capacity as a coordinator of emergency response personnel, I am aware that it
19 is extremely unsafe for untrained, underequipped and improperly protected lay-people to attempt to
20 fight any type of fire, but in particular wildfires, such as the Lava Fire. Firefighting associating
21 with a wildfire such as the Lava Fire requires a coordinated response by trained individuals with
22 appropriate equipment and an ability to communicate with others in the field to avoid becoming
23 injured or killed by smoke or flames. It is my experience that untrained individuals in these types
24 of events turn a property saving endeavor into a lifesaving incident. In those situations, valuable
25 resources and personnel who should be fighting the fire are instead required to save these untrained
26 and under-equipped lay personnel. This is one of the reasons why in the United States, it is
27 required that firefighting is performed by trained firefighters including volunteer firefighters who
28 must undergo extensive training in order to be certified to do so.

/s/ Bryan Schenone
Bryan Schenone